

REMARKS/ARGUMENTS

In response to the Office Action mailed September 10, 2007, Applicant amends his application and requests reconsideration in view of the amendments and the following remarks. In this Amendment, Claim 1 is amended, no claims are cancelled without prejudice and no claims have been added or cancelled, so that Claims 1-3 and 5-8 are pending. No new matter has been introduced.

Claims 1-8 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6,984,203. Applicant will file a Terminal Disclaimer upon the notification that the Examiner has found the claims to be allowable.

Claims 1-3 and 5-8 were rejected as being anticipated by U.S. Patent No. 6,280,466 to Kugler et al. (Kugler). This rejection is respectfully traversed.

Anticipation exists only if all of the elements of the claimed invention are present in a system or method disclosed, expressly or inherently, in a single prior art reference. Therefore, if it can be shown that there is one difference between the claimed invention and what is disclosed in the single reference, there can be no anticipation.

Kugler discloses an endovascular graft system. A description of the graft material begins on line 59 of column 14 and ends on line 33 of column 16. The pertinent sections are reproduced below.

Graft material 45 of trunk 12, branches 14 and 16, and legs 15 and 17 may be made of materials which include woven, knitted, sintered, extruded, or cast materials comprising polyester, polytetrafluoroethylene (PTFE), silicones,

urethanes, and ultralight-weight polyethylene, such as that commercially available under the trade designation SPECTRA.TM.. The materials may be porous or nonporous. Preferred material includes a woven polyester fabric made from DACRON.TM. or other suitable PET-type polymer.

A preferred fabric for the graft material is a 40 denier 27 filament polyester yam, having about 70 to 100 end yarns per cm per face (180 to 250 end yarns per inch per face) and 32 to 46 pick yams per cm per face (80 to 120 pick yarns per inch per face). At this weave density, the graft material is relatively impermeable to blood flow through the wall, but yet is relatively thin, ranging between 0.08 and 0.12 mm wall thickness.

The graft material for trunk 12 is preferably woven as a seamless bifurcating weave, woven flat on a standard Dobby loom. Preferably a taper is incorporated between the single lumen upper portion of the woven graft trunk and the two smaller diameter lumens. To enable this taper, the pick (weft) yarns are interwoven around every two warp yarns. This allows for a tight relatively impermeable weave for the upper portion of the trunk, and the ability to "pack" the weave even more densely for the tapering portion and the two branches.

As can be gleaned from this section, there is no hint to utilizing spider drag line silk.

The invention of independent claim 1 comprises a graft material, formed from spider silk, having preformed crimped sections arranged circumferentially between the one or more scaffold strictures and are configured to increase the flexibility of the endovascular graft. Kugler does not disclose or even suggest spider silk as the material for coating the graft. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Applicant would be willing to interview the present case with the Examiner. Accordingly, the Examiner is invited to call the undersigned at 732-524-2518 if such a call would facilitate the prosecution of this application.

A favorable action on the merits is earnestly solicited.

Respectfully submitted,
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